

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0031/p2dn  
CMH:kjf:rs

July 17, 2013

Please note that I deleted newly created s. 967.20. I did not know how else to interpret “the change is not redundant because if it were executed, the newly created s. 967.20 would be deleted” in the following instruction:

“3. On page 126 of the draft, the LRB note indicates that the drafter did not change proposed s. 969.50 to provide bench warrants for witnesses because “without more review, we thought such changes would be redundant given s. 967.20 and the matter does not seem to fit in chapter 969 which is titled ‘Securing a Defendant’s Appearance; Release.’” Per the LRB note, the workgroup again reviewed this issue and concluded that the change is not redundant because if it were executed, the newly created s. 967.20 would be deleted.”

Because of the deletion I removed the cross-reference to s. 967.20 (1) in the treatment of s. 29.972 (1) (c).

With regard to s. 968.645, I found the following note in a 2003 draft (before my involvement in this draft):

\*\*\*NOTE: Current s. 968.205 (2) refers to “physical evidence that ... includes any biological material,” while the rest of the section refers simply to “biological material.” That raises the question of whether a law enforcement agency (and others?? see ss. 165.81 (3) and 978.08) is required to preserve the whole piece of evidence that contains the biological material (for example, a whole couch) or whether it just has to preserve the portion of the evidence that contains the biological material (such as a swatch of fabric from the couch). I assume that you only want to require the agency to preserve the latter, so I replaced references to physical evidence in this subsection with “biological material.” If that change is okay, I will make corresponding changes to ss. 165.81 (3), and 978.08 in the next draft.

If my memory serves me, I believe a da or an leo was asking for such changes in the statutes through a legislator who was not involved in this draft. I think that the drafter thought these changes would be consistent with your aim. These changes can be deleted or retained. That’s all the story I know.

I know that the group wants cross-references to bail and bond. We cannot add those references because the terms are already defined and the references would be redundant. We include “as defined in ....” only when the term is not already defined for that section, subchapter, or chapter. If we included such a reference to a definition every time a defined term was used, the statutes would be even more difficult to read

and even more voluminous (six volumes is sufficient) and each bill would be substantially longer.

Your instructions indicate that s. 968.475 (3) codifies case law and identifies an exception to that section. I drafted it as an exception would be drafted. I added a new 968.705 (4), which can easily be deleted if you prefer.

Your instructions were to add another box to check for “other” in proposed s. 969.26 (3), form. Please see if I put the box where you intended. I wasn’t sure if “other” was to be added “to place to appear” or maximum penalty.

Most of the embedded notes are just to give you notice that changes were made. I will automatically delete those notes without answers on the next version.

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